



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER  
Attorney General

REGIONAL OFFICE DIVISION  
Rochester Regional Office

May 11, 2006

Hon. Michael A. Telesca  
United States District Court Judge  
Western District of New York  
100 State Street, Room 272  
Rochester, New York 14614-1323

RECEIVED

MAY 12 2006

MICHAEL A. TELESKA  
United States District Judge  
Western District of New York

Re: **Bernardini v. SUNY at Brockport**  
**03-CV-6072**

Dear Judge Telesca:

I represent the defendant in the above-captioned matter. I recently filed a motion for a more definite statement, pursuant to Fed. R. Civ. P. 12(e). I spoke with Christina Barr, Esq. of Dolin Thomas. She advised me that the plaintiff would like to serve an amended complaint in lieu of responding the motion. I have no objection.

We have agreed that I will accept service of the amended complaint on behalf of SUNY, and that the amended complaint will be submitted to me or before May 26, 2006. The defendant will then have thirty (30) days to answer the amended complaint. With this understanding, the defendant agrees to withdraw the 12(e) motion without prejudice to renew, if the plaintiff fails to comply with the agreement set forth herein.

Respectfully submitted,

  
TAMARA B. CHRISTIE  
Assistant Attorney General

TBC:baa

SO ORDERED.

cc: Patrick Solomon, Esq.  
Christina Barr, Esq.

S/MICHAEL A. TELESKA  
Michael A. Telesca, U.S.D.J.

Dated: 5/12/2006